

## REMARKS

### **Response to Claim Rejections Under 35 U.S.C. §103**

Claims 1-5, 8-11, 14-16, and 19 are rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over Rich (U.S. Pat. No. 5,555,900) in view of Capparelli et al. (U.S. Pat. No. 3,521,648).

The Examiner rejected the above mentioned claims based upon the combination of Rich in view of Capparelli et al., but the Examiner gave no reasons why those skilled in the art would be lead to combine the teachings of these references as contended by the Examiner. Applicants believe that the teaching of Rich would specifically not suggests the combination. Rich is primarily concerned with an adjustable strap for applying the tension to the wearer's face. The wig structure plays no part in applying the tension to the wearer's skin. Capparelli et al. teaches a wig with a reinforced seam, but makes no suggestion regarding the use of the seam for applying tension to the wearer's skin. The application of a wig with a reinforced seam as taught by Capparelli et al. to the strap of Rich would not teach the claimed combination wherein the reinforced seam of the wig is employed to apply tension, i.e. a lift, to the wearer's face. There is no suggestion in Capparelli et al. of doing away with the strap of Rich. Even if the strap of Rich was positioned to overlay the reinforced seam of Capparelli et al. all of the features of applicant's claims would still not be taught by the combination.

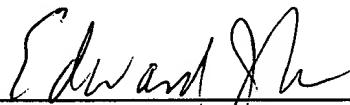
Claims 6, 7, 12, 13, 17 and 18 were rejected by the Examiner under U.S.C. §103(a) as being unpatentable over Rich (U.S. Pat. No. 5,555,900) in view of Capparelli et al. (U.S. Pat. No. 3,521,648) further in view of Yu (U.S. Pat. No. 5,853,009). However, the invention of the independent claims from which these claims depend is

not suggested by the primary and secondary references and the tertiary reference fails to make up for any of the deficiencies of the primary and secondary references.

Applicant has concurrently filed herewith a petition to revive this application and requested that the requisite fee be charged to the deposit account number 04-1679.

Applicant believes that the pending claims define patentable subject matter and respectfully request revival, favorable consideration and an early allowance thereof.

Respectfully submitted,

By: 

Edward J. Lynch  
Registration No. 24,422  
Attorney for Applicant

DUANE MORRIS LLP  
One Market  
Spear Tower, Ste. 2000  
San Francisco, CA 94109  
Telephone: (415) 371-2200  
Facsimile: (415) 371-2201  
Direct Dial: (415) 371-2267